

BRIAN J. STRETCH (CSBN 163973)
Acting United States Attorney

KYLE F. WALDINGER (ILSB 6238304)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6830
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0237 MHP
)	
Plaintiff,)	
)	[PROPOSED] ORDER DOCUMENTING
v.)	EXCLUSION OF TIME
)	
DAVID NOSAL and)	
BECKY CHRISTIAN,)	
)	
Defendant.)	

The Court hereby enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from May 19, 2008, to June 16, 2008 as to both the defendant Nosal and the defendant Christian. The Court finds and holds, as follows:

1. The defendants David Nosal and Becky Christian appeared before the Court on May 19, 2008. At that time, the Court set a briefing schedule and hearing date for the defendant Christian's motion to sever. The defendant Christian will file her motion to sever by May 30, 2008. The government will file its response to that motion on June 9, 2008. The Court will hold a hearing on that motion on June 16, 2008.

2. Counsel also advised the Court that the government had produced a significant amount of paper discovery in the case, and that it would be producing some additional paper discovery and a large amount of electronic discovery.

3. Based on the facts set out above and on the record in open court, the Court

1 finds that, taking into the account the public interest in the prompt disposition of criminal
2 cases, granting a continuance until June 16, 2008, is necessary based on the complexity of
3 this case, on the amount of discovery that has been and will be produced, on the need for
4 both defense counsel to prepare motions, and on the need for effective preparation of
5 defense counsel. See 18 U.S.C. § 3161(h)(8)(B)(ii) & (iv). Given these circumstances,
6 the Court finds that the ends of justice served by excluding the period from May 19, 2008,
7 to June 16, 2008, outweigh the best interest of the public and the defendant in a speedy
8 trial. Id. § 3161(h)(8)(A). The Court also notes that time will be excluded pursuant to 18
9 U.S.C. § 3161(h)(1)(F) upon the filing of the defendant Christian's motion to sever.

10 4. Accordingly, for all of the reasons set forth above and on the record in open
11 court, the Court orders that the period from May 19, 2008, to June 16, 2008, be excluded
12 from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(ii) & (iv) as
13 to both the defendant Nosal and the defendant Christian.

14
15 IT IS SO ORDERED.

16
17 DATED: May 23, 2008

